

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 17, 2009 at 7:07 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 496, 2/11/2009; HB 518,
2/11/2009; HB 582, 2/11/2009;
HB589, 2/11/2009

Executive Action: HB 587, HB 444, HB 481, HB 357, HB
452, HB 386

EXECUTIVE ACTION ON HB 587

00:03:10 **Motion:** Rep. Reinhart moved that **HB 587 DO PASS.**

Discussion:

00:03:25 Rep. Hunter
00:03:57 Rep. Arntzen
00:04:22 Chairman Wilson
00:04:34 Rep. Reichner
00:04:43 Rep. Arntzen
00:05:15 Rep. B. Beck
00:06:02 Rep. Reinhart withdrew her motion.

EXECUTIVE ACTION ON HB 444

00:06:04 **Motion:** Rep. Reinhart moved that **HB 444 DO PASS.**

00:06:47 **Vote:** Motion failed 9-9 by roll call vote, with Rep.
Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep.
Hunter, Rep. Noonan, Rep. Reinhart voting aye. Rep.
Augare and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 481

00:08:10 **Motion:** Rep. Reinhart moved that **HB 481 DO PASS.**

Discussion:

00:08:39 Rep. Reichner
00:08:51 Chairman Wilson
00:08:58 Rep. Berry
00:09:37 Rep. Arntzen

00:09:59 **Vote:** Motion failed 4-14 by roll call vote. Rep.
Furey, Rep. Noonan, Rep. Smith, and Rep. Wilson voting
aye. Rep. Augare and Rep. Fleming voted by proxy.

00:11:05 **Motion/Vote:** Rep. Reinhart moved that **HB 481 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Augare and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 357

00:12:21 Rep. Reinhart

00:12:31 Chairman Wilson

00:12:40 **Motion:** Rep. Berry moved that **HB 357 DO PASS**.

00:13:37 **Motion/Vote:** Rep. Arntzen **CALLED THE QUESTION ON HB 357**. Motion carried unanimously by voice vote. Rep. Augare and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 452

00:14:32 **Motion:** Rep. Noonan moved that **HB 452 DO PASS**.

00:15:41 **Motion:** Rep. Noonan moved that **HB 452 BE AMENDED**.
EXHIBIT (buh37a01)

Discussion:

00:15:57 Rep. Reinhart

00:16:06 Mr. Campbell, Legislative Services Division

00:16:31 **Vote:** Motion carried unanimously by voice vote.
Rep. Augare and Rep. Fleming voted by proxy.

00:16:49 **Motion:** Rep. Reinhart moved that **HB 452 DO PASS AS AMENDED**.

Discussion:

00:16:58 Rep. Arntzen

00:17:10 Rep. Noonan

00:17:55 Rep. Smith

00:18:26 Rep. Berry

00:18:46 Chairman Wilson

00:18:47 Rep. Noonan

00:19:22 Rep. Berry

00:19:40 Rep. Hunter

00:20:25 Chairman Wilson

00:20:58 Rep. Noonan

00:21:35 Rep. Hunter
 00:21:53 Chairman Wilson
 00:22:05 Rep. Reichner
 00:22:48 Rep. Noonan
 00:23:17 Rep. Milburn
 00:23:54 Rep. P. Beck
 00:24:57 Rep. B. Beck
 00:25:50 Chairman Wilson
 00:25:57 Mr. Campbell
 00:26:35 Rep. Arntzen
 00:27:11 Rep. Noonan

00:28:08 **Vote:** Motion failed 9-9 by roll call vote, with Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart voting aye. Rep. Augare and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 386

00:29:44 **Motion:** Rep. Reinhart moved that **HB 386 DO PASS.**

00:30:04 **Motion:** Rep. Reinhart moved that **HB 386 BE AMENDED.**
EXHIBIT (buh37a02)

Discussion:

00:32:56 Rep. B. Beck
 00:33:15 Mr. Campbell
 00:34:32 Rep. Reinhart
 00:36:12 Chairman Wilson
 00:36:24 Rep. Reinhart
 00:36:48 Rep. P. Beck
 00:37:18 Rep. B. Beck

00:37:51 **Vote:** Motion carried unanimously by voice vote. Rep. Augare and Rep. Fleming voted by proxy.

00:38:02 **Motion:** Rep. Reinhart moved that **HB 386 DO PASS AS AMENDED.**

Discussion:

00:38:09 Rep. Milburn

00:38:23 **Vote:** Motion carried unanimously by voice vote. Rep. Augare and Rep. Fleming voted by proxy.

00:38:30 Rep. Fleming enters.

Discussion:

00:38:47 Rep. Berry

00:38:56 Chairman Wilson calls a recess.

00:58:59 Chairman Wilson resumes hearing.

HEARING ON HB 589

Opening Statement by Sponsor:

01:00:07 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 589, Revise work comp on proving occupational
disease employment related.

Proponents' Testimony:

01:05:57 Andy Scott, Self, Livingston, Montana

[EXHIBIT\(buh37a03\)](#)

01:16:35 David Lighthall, Attorney, Bozeman, Montana

[EXHIBIT\(buh37a04\)](#)

01:24:27 Andrea Olsen, Montana Trial Lawyers Association

Opponents' Testimony:

01:25:36 Kevin Braun, Montana State Fund

01:28:44 Larry Jones, Liberty Northwest

01:33:08 Webb Brown, Montana Chamber of Commerce

01:33:52 Bob Worthington, Montana Self Insurers Association

01:34:45 Spook Stang, Executive Vice President Montana Motor
Carriers Association

01:35:10 Jason Todhunter, Montana Logging Association

01:35:34 Cheryl Wood, Montana Association of Counties

01:35:59 Ronda Wiggers, Helena Chamber of Commerce

01:36:12 Tim Fitzpatrick, Montana School Boards Association

Informational Testimony:

01:36:58 Diana Ferriter, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

01:37:25 Rep. B. Beck

01:38:02 Mr. Jones

01:38:47 Rep. B. Beck

01:39:23 Mr. Jones

01:40:49 Rep. Reinhart
01:41:12 Mr. Jones
01:42:22 Rep. Reinhart
01:42:54 Mr. Lighthall
01:44:28 Rep. Reinhart
01:44:33 Mr. Lighthall
01:45:36 Rep. Reinhart
01:45:43 Mr. Lighthall
01:46:23 Rep. Hunter
01:47:20 Ms. Ferriter
01:48:27 Rep. Hunter
01:48:30 Ms. Ferriter
01:48:31 Rep. Hunter
01:48:40 Ms. Ferriter

Closing by Sponsor:

01:48:55 Rep. Pomnichowski

HEARING ON HB 496

Opening Statement by Sponsor:

01:52:32 Rep. David Howard (R), HD 60, opened the hearing on
HB 496, Prohibit employment and ID card for
unauthorized alien.

EXHIBIT(buh37a05)

Proponents' Testimony:

01:58:11 Keith Allen, International Brotherhood of Teamsters,
Local 233
02:00:10 Steve Wade, Montana Contractors Association
02:02:01 Webb Brown, Montana Chamber of Commerce

Opponents' Testimony:

02:03:00 Jamee Greer, Montana Human Rights Network
EXHIBIT(buh37a06)
02:05:59 Shahid Haque-Hausrath, Immigration Attorney, Helena,
Montana
02:13:09 Debra Smith, Self, Helena, Montana
02:19:32 Scott Crichton, Executive Director, American Civil
Liberties Union
02:22:06 Ronda Wiggers, Great Falls and Helena Chamber of
Commerce

Informational Testimony:

02:27:05 Keith Messmer, Chief, Worker's Compensation Regulation
Bureau (DLI)

Questions from Committee Members and Responses:

02:27:53 Rep. B. Beck
02:29:43 Rep. Howard
02:30:10 Rep. Berry
02:30:30 Ms. Smith
02:30:36 Rep. Berry
02:30:44 Ms. Smith
02:30:47 Rep. Berry
02:30:58 Ms. Smith
02:33:42 Rep. Berry
02:34:14 Rep. Howard
02:35:35 Rep. Smith
02:35:56 Ms. Smith
02:36:09 Rep. Smith
02:36:33 Ms. Smith
02:38:30 Rep. Smith
02:38:38 Ms. Smith
02:39:31 Rep. Smith
02:39:37 Ms. Smith
02:40:23 Rep. Furey
02:41:23 Mr. Brown
02:42:44 Rep. Reinhart
02:42:59 Rep. Howard
02:43:39 Rep. Reinhart
02:44:01 Rep. Howard

Closing by Sponsor:

02:44:51 Rep. Howard
02:47:46 Vice Chairwoman Reinhart calls a recess.
03:07:16 Chairman Wilson resumes hearing.

HEARING ON HB 582

Opening Statement by Sponsor:

03:07:39 Rep. Mary Caferro (D), HD 80, opened the hearing on
HB 582, Green jobs training program.

EXHIBIT(buh37a07)

Proponents' Testimony:

03:13:08 Jason Miller, International Brotherhood of Teamsters,
Local 190

03:13:47 Beth Berlin, Climate Solutions, Missoula, Montana

EXHIBIT(buh37a08)

03:18:07 Sheila Hogan, Career Training Institute, Helena,
Montana

03:20:43 Rep. Betsy Hands, HD 99

03:24:51 Kyla Wiens, Montana Environmental Information Center

03:26:11 Kevin Olp, Montana Conservation Voters

03:27:29 Gary Amestoy, Richland County Economic Development
Corporation

Opponents' Testimony:

03:29:12 Keith Allen, International Brotherhood of Teamsters,
Local 233

EXHIBIT(buh37a09)

Informational Testimony:

03:32:28 Gary Pemble, Training Director, Montana Electrical
Joint Apprenticeship and Training Committee

Questions from Committee Members and Responses:

03:33:12 Rep. Smith

03:34:42 Mr. Allen

03:35:52 Rep. Smith

03:36:18 Mr. Miller

03:36:28 Rep. Smith

03:37:09 Mr. Miller

03:37:48 Rep. Smith

03:37:59 Mr. Miller

03:38:09 Rep. B. Beck

03:40:02 Rep. Caferro

03:43:58 Chairman Wilson

03:44:12 Rep. Caferro

03:44:37 Chairman Wilson

03:44:42 Rep. Caferro

03:44:46 Rep. Reinhart

03:45:04 Rep. Caferro

03:45:40 Rep. Reinhart

03:46:16 Rep. Caferro

03:46:33 Rep. Boland

03:47:26 Mr. Allen

03:49:07 Rep. Boland

03:49:34 Mr. Allen

03:49:52 Chairman Wilson
03:49:55 Mr. Allen
03:50:22 Rep. Fleming
03:51:15 Mr. Allen

Closing by Sponsor:

03:51:39 Rep. Caferro

HEARING ON HB 518

Opening Statement by Sponsor:

03:52:52 Rep. Ken Peterson (R), HD 46, opened the hearing on
HB 518, Clarifying when ostensible agency does not
apply to real estate brokers.

[EXHIBIT\(buh37a10\)](#)

Proponents' Testimony:

03:56:43 Clayton Fiscus, Self, Billings, Montana

[EXHIBIT\(buh37a11\)](#)

04:05:03 Jim Espy, Self, Billings, Montana

04:06:08 Fred Rogers, Self, Billings, Montana

04:07:05 Joe Roberts, Montana Association of Realtors

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

04:08:07 Rep. Reichner

04:08:48 Rep. Peterson

Closing by Sponsor:

04:11:33 Rep. Peterson

ADJOURNMENT

04:14:31 Adjournment 11:21 A.M.

Santella Baglivo, Secretary

sb

Additional Exhibits

Additional Documents:

EXHIBIT ([buh37aad.pdf](#))